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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Responsibility of States for internationally wrongful acts

Security Council
Sixty-sixth year

Letter dated 7 March 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In accordance with instructions received from my Government, I have the honour to refer to the letter dated 28 February 2011 from the Permanent Representative of the Republic of Armenia to the United Nations addressed to the Secretary-General (A/65/764-S/2011/104).

That letter makes a clumsy attempt to respond to my letter addressed to you in connection with the nineteenth anniversary of the massacre committed by the Armenian armed forces against the Azerbaijani civilian population and defenders of the town of Khojaly, situated in the Daghlyq Garabagh (Nagorno Karabakh) region of the Republic of Azerbaijan (A/65/755-S/2011/92). In reality, the letter of the Permanent Representative of the Republic of Armenia is yet another illustration of sophisticated and blatant falsification, by means of which the Armenian side obstinately denies irrefutable fact testifying to its responsibility for the crimes committed in Khojaly.

While trying to accuse Azerbaijan of alleged "anti-Armenian propaganda" and "hatred towards Armenians" and referring to ambiguous, politically motivated and groundless interpretations of the events in Khojaly, the Permanent Representative of the Republic of Armenia at the same time not only refrains from commenting on the views expressed by the European Court of Human Rights and authoritative international non-governmental organizations, but also neglects to clarify the revelations of his country's high-ranking officials and the direct participants in the

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crime, who in turn unequivocally admit culpability for the extermination of the inhabitants and defenders of Khojaly.

Thus, Armenia's then-Defence Minister and current President, Serzh Sargsyan, acknowledged, without any feeling of remorse, that "[b]efore Khojali, the Azerbaijanis thought that ... the Armenians were people who could not raise their hand against the civilian population. We were able to break that [stereotype]" (Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London, New York University Press, 2003), p. 172).

It should be particularly noted in this regard that the Khojaly events took place in a period when the current President of the Republic of Armenia served as head of the illegal separatist regime's "Self-Defence Forces Committee" and, accordingly, was one of those responsible for the forcible capture of the town.

Armenian author Markar Melkonian, in his book dedicated to his brother and one of the perpetrators of the Khojaly massacre, gave a detailed account of how Armenian soldiers had killed the Khojaly town civilians. Thus, he described how some residents of Khojaly had nearly reached safety after fleeing for almost six miles when "[Armenian] soldiers chased them down". The soldiers, he continued, "then unsheathed the knives they had carried on their hips for so long, and began stabbing" (*My Brother's Road: An American's Fateful Journey to Armenia* (London and New York, I. B. Tauris, 2005), pp. 213 and 214).

In response to the Armenian side's gross misinterpretation of the 1992 Human Rights Watch (HRW)/Helsinki report's reference to the Khojaly events, the Executive Director of that non-governmental human rights organization, in a letter of 24 March 1997 addressed to the Minister for Foreign Affairs of the Republic of Armenia, pointed out the following: "[W]e place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of Memorial includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians" (the letter of the HRW Executive Director is available at the HRW website: http://www.hrw.org/en/news/1997/03/23/response-armenian-government-lettertown-khojaly-nagorno-karabakh).

In addition, mass media outlets contained horrifying reports about the killing of the residents and defenders of Khojaly by indiscriminate Armenian gunfire and other brutal acts by invading troops (more information is available in document E/CN.4/2002/151).

The overall assessment of the causes and tragic consequences of the war unleashed by the Republic of Armenia against the Republic of Azerbaijan makes it absolutely clear that the intentional slaughter of the Khojaly town civilians and defenders was not an isolated or sporadic act, but was part of the official Yerevan widespread and systematic policy and practice of atrocities, at the core of which are odious ideas of racial superiority, ethnic differentiation and hatred.

The Government of the Republic of Azerbaijan is confident that consistent measures taken at the national level as well as the existing legal framework of prosecution of, and punishment for, international crimes will secure conviction in the perspective of ending impunity for the crimes in Khojaly and other grave offences committed in the course of the aggression of the Republic of Armenia against the Republic of Azerbaijan.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 39, 66 and 75, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative